

December 31, 2007

Ms. Phyllis Naiad
Senior Field Representative
Washington Federation of State Employees
Hawthorne Court
16710 Smokey Point Blvd. Suite 308
Arlington, WA 98223-8435

RE: Richard Mayther v. Employment Security Department (ESD)
Director's Review ALLO-06-033

Dear Ms. Naiad:

Mr. Richard Mayther filed a director's review request dated November 10, 2006 in response to Mr. Russell Widders' October 11, 2006 allocation determination. Mr. Widders determined that Mr. Mayther's position was properly classed as a WorkSource Specialist 2 (WSS2). Mr. Mather is employed by the Employment Security Department (ESD).

On October 23, 2007, I conducted a Director's review telephone interview concerning the allocation of Mr. Mayther's position. Present by phone for the Director's review interview were Mr. Mayther, Ms. Susan Amico, Human Resource Consultant, ESD; Ms. Michele Castanedo, Human Resource Manager, ESD; and Ms. Phyllis Naiad, WFSE union representative. On November 14, 2007, I conducted a follow-up Director's review telephone interview to clarify information provided at the October 23 phone interview. Present by phone on November 14 were Mr. Mayther; Ms. Susan Amico; Ms. Daria Consiglieri, Mr. Mayther's immediate supervisor, ESD; and Ms. Naiad.

Background

Mr. Mather states he administers the Job Search Review Program and is considered the person that provides assistance to resolve unique situations for clients and claimants at the Lynnwood WorkSource Office. Mr. Mayther indicates the work he does was previously done by a Job Search Specialist 3. When that person was moved and then retired, Mr. Mayther was asked by Mr. Paul Claypool, Administrator, and Mr. Gordon Boreson, ES Supervisor, "to keep the program going until a replacement or position upgrade could be completed." He has continued administering the Job Search Review Program (Exhibit E-2).

On June 2, 2006, Mr. Mayther completed a Position Review Request (PRR) to submit to the ESD Human Resources Office, requesting that his WorkSource Specialist 2 (WSS 2) position, #1507X, be reallocated to a WSS 3 classification. Ms. Daria Consiglieri, Mr. Mayther's immediate supervisor, on July 6, 2006, noted her disagreement with some items on the PRR (Exhibit E-2).

By letter dated October 11, 2006, Mr. Widders informed Mr. Mayther he was properly allocated to the WSS 2 classification. In his determination, Mr. Widders noted that Mr. Mayther did not deliver *intensive services* to WorkSource customers. Mr. Widders stated, "You conduct in-depth interviews and provide job referrals and information regarding agency programs. You administer the Job Search Review Program for the Lynnwood Worksource. You verify that Unemployment Insurance claimants meet the requirements of the work search activities" (Exhibit E-3).

Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB case No. 3722-A2 (1994).

When determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

The Performance and Development Plans were submitted for the periods of January 2004 to October 2005, dated December 7, 2005, and for November 2005 to October 2006, dated November 9, 2006. The purpose of a Performance and Development Plan is to evaluate how the employee is meeting the job expectations and is not a criterion for allocation. It is important to note that a position review is not an evaluation of the employee's performance.

A position description signed by Ms. Consiglieri on November 9, 2006 was submitted also. This document is outside the time period of this position review (Exhibit E-6).

Mr. Mayther discussed in his letter a recruitment situation that he had experienced. An employee, Ms. Sylvia Wyman, submitted a letter on Mr. Mayther's behalf regarding the recruitment issues (Exhibit E-8). Examination of the recruitment situation is beyond the scope of this position review.

This position review was based on the work performed for at least the six-month period prior to June 2, 2006, the date Mr. Mayther signed his Position Review Request.

As the Director's designee, I considered the written documentation and exhibits in the file, the verbal comments provided by the parties, and the WSS 2 and 3 classifications. Based on my review and analysis of the documents submitted and the comments during the phone interview, as well as the information recorded by the supervisors and Mr. Widders, I conclude Mr. Mayther's position is correctly allocated to the Worksource Specialist 2 classification.

Rationale for Determination

An allocation determination is based on the overall duties and responsibilities assigned to a position as documented in the classification questionnaire or position description form. The classification questionnaire becomes the basis for the allocation decision.

Using Mr. Mayther's Position Review Request (PRR) (Exhibit E-2) and his statements during the interview, his position's responsibilities can be summarized as follows:

For 75% of his work time, Mr. Mayther indicated his main responsibilities were to administer the Job Search Review Program (JSRP) at the WorkSource Center in Lynnwood. This program provided a required review of the claimants' record keeping of job search activities. Mr. Mayther reviewed documents to determine if the claimants' record keeping was sufficient. If not, he discussed with the claimant what additional information or changes and checks were necessary; checked that the claimant made necessary corrections; and coded that information and statistics in the computer data base. Mr. Mayther assisted job seekers to establish or refer job postings, community referrals, job preparation, job counseling, and provided assistance with other resources.

For 20% of his work time, Mr. Mayther addressed Unemployment Insurance (UI) needs and questions for claimants, employers, other agencies and businesses. He assisted claimants in filing for UI benefits by phone or Internet; prints UI computer screens; and explained UI information, activity and employment history of claimants.

For 5% of his work time, Mr. Mayther worked on committees to develop workshops schedules and compliance with Job Hunter Guidelines. He also found ways to improve accuracy of information provided to claimants (Exhibit E-3).

During the October 23 phone interview, Mr. Mayther stated that he was the only person in the office to have access to specialized computer programs. One computer program allowed him to work with clients and other state agencies to check a client's employment history in other states. He also accessed income tax screens to determine if there were errors such as reporting wages to the wrong Social Security number. If so, he worked with tax officials to correct the problem. Mr. Mayther used these systems when there was a specific need to assist a client or employer.

On the PRR, Ms. Daria Consiglieri, supervisor, estimated that 90% of Mr. Mayther's work time is spent doing JSRP activities such as scheduling and posting both in GUIDE and SKIES (computer programs) compared to Mr. Mayther's estimate of 75%. She notes, "For the last 3 years the Job Search Review at WS Lynnwood has been a Labor Exchange Team activity where available staff assisted with the one-on-one job search assistance and job search log review transition to the TeleCenter concept, the role of WorkSource staff is to provide customers with very basic UI Information and deferring the claimant's specific issues to be dealt with UI Specialists at the TeleCenter." Ms. Consiglieri indicated she supervises Mr. Mayther on a spot-check basis only (Exhibit E-2).

In Allegrì v. Washington State University, PAB Case No. ALLO-96-0026 (1998), the Personnel Appeals Board (PAB) (predecessor to this Board) addressed the concept of best fit. The PAB noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

For this review, I looked at the WorkSource Specialist 2 and 3 classifications. The definition of the **Worksource Specialist 2 (WSS 2)** classification states:

Performs professional duties in the delivery of direct core services to customers. Conducts in-depth interviews and provides job referrals, placement services, and information regarding agency and partner programs.

The distinguishing characteristics at the WSS 2 level note this classification is the "fully qualified working level." WSS 2 positions "work independently and provide a full range of services" (Exhibit E-9).

At the **Worksource Specialist 3 (WSS 3)** level, the definition is as follows:

- 1) Delivers direct core & intensive services to WorkSource, Claimant Placement Program, Food Stamps, WorkFirst Post-Employment Labor Exchange, or College Co-Location customers; or
- 2) Is responsible for providing bilingual outreach services in a designated Migrant and Seasonal Farmworker (MSFW) service area; or
- 3) Is responsible for providing outreach services to eligible Disabled Outreach Veterans' (DVOP) program customers; or
- 4) As an Employer Outreach Specialist contacts local employers to develop prospective job openings and provide information on services available through WorkSource.

The distinguishing characteristics at the WSS 3 level indicate this is at the "fully qualified professional level." WSS 3 positions are working independently, and "spend a majority of time providing intensive services or conducting outreach activities. . ." (Exhibit E-10).

During our discussion on Oct. 23, Mr. Mayther indicated he felt his responsibilities for the JSRP fell within the Claimant Placement Program listed in (1) of the WSS 3 definition. During the review period timeframe, for a majority of his time, Mr. Mayther obtained lists of clients through the computer system, scheduled eligible clients and met with those clients for the specific purpose of reviewing job activity records. Mr. Mayther reviewed the written records and determined if they met the requirements. He discussed his findings with the client and provided direction for making any necessary changes. He coded and recorded the information for the computer program. Although JSRP is an important and required activity, it is not an *intensive service* as required at the WSS 3 level. The majority of Mr. Mayther's work duties and responsibilities did not encompass the breadth of the duties and responsibilities required by the WSS 3 definition and distinguishing characteristics stated above.

Mr. Mayther delivered core services to WorkSource customers and administered the Job Search Review Program for a majority of his time. He delivered the core services of conducting interviews, assisting applicants with resumes, applications and in the technology center. He scheduled claimants for a review of job search records and as needed helped claimants make necessary changes or corrections. He coded and entered records and statistics into the appropriate computer databases. He assisted clients in job search activities. He provided ideas to improve the information for claimants (Exhibit E-2). On a best fit basis, these responsibilities are encompassed in the WSS 2 definition, distinguishing characteristics and typical work statements. Mr. Mayther's position is appropriately allocated to the WorkSource Specialist 2 classification.

Appeal Rights

Because Mr. Mayther's position is covered by a Collective Bargaining Agreement, please refer to the contract to determine whether the parties have appeal rights to the Personnel Resources Board. If no further action is taken, the Director's determination becomes final.

Sincerely,

Meredith Huff, SPHR
Director's Review Unit
Legal Affairs Division
Department of Personnel

c: Richard Mayther, Lynnwood WorkSource, ESD
Michele Castanedo, ESD
Susan Amico, ESD
Daria Consiglieri, ESD
Lisa Skriletz, DOP

Enclosure: List of Exhibits

MAYTHER v. ESD
ALLOCATION REVIEW EXHIBITS

E-1 Mr. Richard Mayther's Director's Review request letter dated November 10, 2006

E-2 Mr. Richard Mayther's Position Review Request dated June 2, 2006 including
ESD Worksource Lynnwood Organizational Chart dated May 2006

E-3 Mr. Russell Widders', Human Resources Consultant, ESD, allocation determination
dated October 11, 2006

E-4 Performance and Development Plan dated December 7, 2005, for period Jan 04 to Oct
05 completed by Daria Consiglieri

E-5 Performance and Development Plan signed November 09, 2006 for period from Nov.
05 to Oct 06 completed by Daria Consiglieri

E-6 Position Description for position #1507X signed November 9, 2006 by Ms.
Consiglieri. This position description was completed outside of the review period which is
at least six months prior to June 2, 2006.

E-7 Organization chart of Lynnwood Job Service Center dated September 1999

E-8 Letter from Sylvia Wyman, UI Performance Audit Investigator, dated October 12,
2007

E-9 WorkSource Specialist 2 Classification, class code 30120

E-10 WorkSource Specialist 3 Classification, class code 30130

E-11 Notices of Scheduling